

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LYNDA DUNCAN

v.

JUAN MONTALVANO, *et al.*

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CIVIL ACTION NO. 6:15cv846

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the complaint has been presented for consideration. The Report and Recommendation (ECF 12), filed on November 17, 2015, recommends that the complaint be dismissed without prejudice for failure to prosecute. FED R. CIV. P. 41(b). The Court received an acknowledgment of receipt revealing that Plaintiff received the Report and Recommendation on November 20, 2015. No written objections have been filed. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the complaint is **DISMISSED** without prejudice for failure to prosecute. FED R. CIV. P. 41(b).

SIGNED this 21st day of December, 2015.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE